

## Colombia

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President Juan Manuel Santos won reelection in June after surviving a runoff election against Óscar Iván Zuluaga, the chosen candidate of Santos's predecessor, Álvaro Uribe. The ballot served as a referendum on Santos's management of the peace process between the government and the Revolutionary Armed Forces of Colombia (FARC). Uribe, who had a more hardline stance with the FARC as president, won a seat in the Senate during the March parliamentary elections.

Over the past year, the Colombian government and the FARC have made fitful progress toward ending the country's long-running internal conflict. Negotiators reached a partial agreement on drug trafficking in May, adding to accords achieved in 2013 on rural development and political rights for demobilized guerrillas. As of late 2014, negotiations were still under way regarding sensitive issues, such as accountability for crimes committed during the conflict. Despite some measure of progress, followers of Uribe, who are opposed to the peace talks, accused the government of extending amnesty to the FARC fighters.

Victims of the conflict made visits to the negotiation site in Havana, Cuba, throughout the year, prompting members of the FARC to take some responsibility for the country's rampant violence while also portraying themselves as having suffered as a result of government actions. Victims sought to ensure that perpetrators of abuses among both FARC members and government forces would be held accountable for their crimes in a manner consistent with both domestic and international law.

Optimism was tempered by several incidents. In February, the newsweekly *Semana* reported that military intelligence agents were illegally intercepting the communications of government negotiators. An acute crisis then occurred in November, when the FARC took army general Raúl Álzate captive. The FARC held Álzate, who had visited rebel-controlled territory without protection, for two weeks, during which time the government suspended the peace talks. Negotiations resumed after the general's release.

Political Rights and Civil Liberties:

### **Political Rights: 29 / 40 (+1) [Key]**

#### **A. Electoral Process: 10 / 12**

The president is directly elected and is eligible for two consecutive four-year terms. Congress is composed of the Senate and the Chamber of Representatives, with all seats up for election every four years. The nation at large selects 100 Senate members using a closed-list system; indigenous communities choose two additional members. The Chamber of Representatives consists of 166 members elected by closed-list proportional representation in multimember districts. Congress debated various reforms throughout 2014, including

proposals to eliminate immediate presidential reelection and to close parliamentary election lists.

The 2014 legislative and presidential elections were relatively peaceful, although the former were plagued by accusations of fraud and vote buying, and a number of elected congressmen were accused of having ties to organized crime or disgraced former politicians. President Santos's main allies, the Liberal Party, the Social National Unity Party (U Party), and Radical Change, won a substantial majority in the Chamber of Representatives, taking 92 seats. In the Senate, however, the coalition won only 47 seats. Uribe's Democratic Center took the second-most Senate seats with 20, and also claimed 19 seats in the Chamber of Representatives, making it the primary opposition force.

President Santos won the second round of the 2014 election with 51 percent of the vote against Zuluaga, who had won the first round with 29 percent to Santos's 26 percent. While Zuluaga was relatively conciliatory following the second round, Uribe alleged that Santos had committed fraud; domestic and international observers, including the Organization of American States, found no evidence to substantiate such claims. The most dramatic scandal involved allegations that Andrés Sepúlveda, arrested in May and indicted in September on charges of cyberespionage, had shared illegally intercepted intelligence with Uribe and members of the Zuluaga campaign. As of year's end, the Supreme Court was still investigating Uribe's involvement in the scandal.

Voter turnout in 2014 was roughly in line with other recent elections, with approximately 44 percent of voters participating in parliamentary balloting, and 40 and 48 percent voting in the two rounds of the presidential contest, respectively.

## **B. Political Pluralism and Participation: 11 / 16**

The traditional Liberal-Conservative partisan duopoly that has long characterized Congress has in recent years been supplanted by a newer party system that is still evolving. The new system is comprised of the traditional parties—which are often characterized by factionalism—as well as regional movements, ideological groups from both the right and the left, and technocratic or issue-oriented parties. Santos's left-wing National Unity coalition, which enjoyed dominance in both chambers during his first term, continued to maintain the loose support of a significant majority of legislators following the 2014 elections, despite the vocal and cohesive presence of the Uribe-led right.

While general progress remains slow, the government has undertaken a series of steps to incorporate indigenous and Afro-Colombian voices into national political debates in recent years, including training programs to increase Afro-Colombian communities' capacity for governance and their awareness of their broader political rights.

## **C. Functioning of Government: 8 / 12 (+1)**

Corruption occurs at multiple levels of public administration. Graft scandals have emerged in recent years within an array of federal government agencies. In July 2014, former minister of agriculture Andrés Felipe Arias was found guilty on corruption charges and sentenced to 17 years in prison, but as of year's end he was awaiting the outcome of extradition proceedings in the United States. In October, the two-year trial of former Senator Iván Moreno came to an end. Moreno was sentenced to 14 years in prison for extortion and illicit enrichment. The “parapolitics” scandal, which linked scores of politicians to illegal paramilitary groups, resulted in the investigation, arrest, or conviction of more than 90 legislators by the close of the 2006–10 Congress; investigations and trials continued in 2014.

Colombia was ranked 94 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. Part of the responsibility for combatting corruption rests with the inspector general, who is charged with monitoring the actions of elected officials. However, current inspector general Alejandro Ordóñez has removed multiple mayors and bureaucratic officials from office or suspended their right to stand for election, prompting accusations that he is overly aggressive. Ordóñez met with a backlash after he removed Gustavo Petro from his post as mayor of Bogotá in December 2013. Petro returned to office in May 2014 following a series of competing administrative and judicial rulings. Although his image was severely tarnished by scandal and perceived incompetence, he remained in office at year's end. A reduction in the inspector general's powers was included in the political reforms proposed in 2014.

The government has made increasing efforts to ensure that the peace talks include access for a broad range of civic voices, including victims of the conflict. In 2014, victims attended negotiations in Cuba.

## **Civil Liberties: 34 / 60**

### **D. Freedom of Expression and Belief: 12 / 16**

The constitution guarantees freedom of expression, and opposition views are commonly expressed in the media. However, nonetheless, dozens of journalists have been murdered since the mid-1990s, many of whom were targeted for reporting on drug trafficking and corruption. Most of the cases remain unsolved, and although violence has declined in recent years, a local press watchdog recorded at least 131 threats and other abuses against the press in 2014. Two journalists were murdered—Luís Carlos Cervantes and Yonni Steven Caicedo—both of whom had been subject to intermittent threats in response to their work. Self-censorship is common, and slander and defamation remain criminal offenses. The government does not restrict access to the internet, nor does it censor websites. Twitter and other social-media platforms have become important arenas for political discourse.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The authorities also uphold academic freedom, and university debates are often vigorous, though armed groups maintain a presence on many campuses to generate political support and intimidate opponents.

## **E. Associational and Organizational Rights: 5 / 12**

Although provided for in the constitution, freedoms of assembly and association are restricted in practice by violence. The government provides extensive protection to hundreds of threatened human rights workers, but trust in the program varies widely. Scores of activists have been murdered in recent years, mostly by the criminal organizations that succeeded the paramilitary groups following a government-backed demobilization process in 2005. Although the Santos administration has reiterated respect for nongovernmental organizations (NGOs), violations against activists have continued, and have even increased in some areas. Land rights and victims' rights campaigners in particular are threatened by former paramilitaries seeking to smother criticism of their ill-gotten assets. According to the NGO We Are Defenders, 55 human rights activists were murdered in 2014, largely at the hands of paramilitary successor groups.

Over the past two decades, Colombia's illegal armed groups have killed more than 2,600 labor union activists and leaders. Killings have declined substantially from their peak in the early 2000s, but still occur with regularity. Although a special prosecutorial unit has substantially increased prosecutions for such assassinations since 2007, few cases have targeted those who ordered the killings.

## **F. Rule of Law: 7 / 16**

The justice system remains compromised by corruption and extortion. Although the Constitutional Court and the Supreme Court have demonstrated independence from the executive in recent years, in 2014 justices from each court faced sanctions for abuses of power and improper behavior.

Many soldiers operate with limited civilian oversight, though the government has in recent years increased human rights training and investigated a greater number of military personnel for violations. Collaboration between security forces and illegal armed groups declined following the 2005 paramilitary demobilization, but rights groups report official toleration of paramilitary successor groups in some regions. Primary responsibility for combating these groups rests with the police, who lack the resources of the military, are frequently accused of colluding with criminal groups, and are largely absent from many rural areas where the groups are active. Nevertheless, many of the paramilitary groups' key leaders have been killed or arrested in recent years, as have several of Colombia's most wanted drug traffickers.

The systematic killing of civilians to fraudulently inflate guerrilla death tolls has declined substantially since a 2008 scandal over the practice led to the firing of dozens of senior army officers. More than 2,000 people may have been killed for such reasons. As of mid-2014, more than 700 soldiers had been convicted for the crimes; however, rights groups expressed concern that high-ranking officers had largely escaped punitive measures. Thousands of security personnel remained under investigation at year's end.

Civil-military relations were a source of significant tension in 2014, largely due to the perception that a significant portion of the armed forces opposes the peace process. Jurisdiction and punishment for human rights violations is a particularly sensitive issue. Convictions of high-ranking officers for forced disappearances prompted the passage of a 2012 constitutional amendment that expanded the jurisdiction of the military justice system, resulting in domestic and international outcry. In October 2013 the Constitutional Court struck down the amendment on the basis of procedural errors, but several similar bills remained under consideration at the end of 2014.

While violence has subsided since the early 2000s and homicides declined to their lowest level in decades in 2014, some areas, particularly resource-rich zones and drug-trafficking corridors, remain highly insecure. Homicide rates increased in Bogotá in 2014. Following a series of military blows against the FARC leadership between 2008 and 2011, the rebel group reorganized and focused on new tactics, including multiple attacks carried out by small units. The Peace and Reconciliation Foundation, a nongovernmental monitor, registered fewer than 1,200 attacks in 2014, a drop of nearly 40 percent from the previous year, due largely to unilateral governmental ceasefire periods that accounted for a total of eight weeks during the year. FARC guerrillas and paramilitary successor groups regularly extort payments from businesspeople and engage in forced recruitment, including of minors. The use of landmines in the internal conflict has added to casualties among both civilians and the military.

Impunity for crime in general is rampant. Debate continued in 2014 on legal and policy questions related to the Legal Framework for Peace, a constitutional reform enacted in 2012. Rights groups cautioned that it could allow broad impunity for all armed actors accused of atrocities during the conflict between rebel guerrillas and paramilitary groups. The Constitutional Court confirmed the law's constitutionality in August 2013, but the decision emphasized the legal necessity of prosecuting and punishing all alleged crimes against humanity. In December 2014, the Inter-American Court of Human Rights ruled that the Colombian state was responsible for the disappearance of 11 people and the torture of six others following a guerrilla takeover of the Supreme Court in 1985; it required the state to pay reparations and continue efforts to investigate and prosecute the violations.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest segment of Colombia's more than five million displaced people, and 80 percent of Afro-Colombians fall below the poverty line. Areas with concentrated Afro-Colombian populations continue to suffer from abuses by the FARC and security forces.

Colombia is home to more than 1.7 million indigenous inhabitants. Most live on more than 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are increasingly contested by various armed groups. Indigenous people have been targets from all sides in the various conflicts. The FARC drew widespread condemnation for a November 2014 attack that killed two members of an indigenous group in Cauca.

## **G. Personal Autonomy and Individual Rights: 10 / 16**

Freedom of movement, choice of residence, and property rights are restricted by violence, particularly for vulnerable minority groups. Progress remains uneven on implementation of the landmark 2011 Victims and Land Law, which recognized the legitimacy of claims by victims of conflict-related abuses, including those committed by government forces. While affected citizens continued receiving compensation, the legal process for land restitution is heavily backlogged, and the resettlement of those who were displaced during the conflict continues to move slowly.

Sexual harassment, violence against women, and the trafficking of women for sexual exploitation remain major concerns. Thousands of rapes have occurred as part of the conflict, generally with impunity. The country has restrictive abortion laws, though a 2006 Constitutional Court ruling allowed abortion in cases of rape or incest or to protect the life of the mother. Same-sex marriage has become a controversial issue, with a series of judicial and administrative decisions in 2013 allowing and then annulling same-sex marriages. No clear ruling from the Constitutional Court emerged in 2014.

Child labor is a serious problem in Colombia, as are child recruitment into illegal armed groups and related sexual abuse. A 2011 free trade agreement with the United States and a subsequent Labor Action Plan call for enhanced investigation and greater enforcement of abusive labor practices and rights violations, yet, according to a November 2014 report by the U.S. Government Accountability Office, progress remains deficient in several areas.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**